IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

Notice of Motion No. 605 of 2005
In
Writ petition No.2267 of 2004.

The Chairman, Shri.Chhatrapati Shivaji Maharaj Shikshan Sanstha & Anr.
..Petitioners.

Versus.

Chandrashekhar S. Tiwari & Ors. .. **Respondents.**

Mr. Girish Godbole for petitioners.
Mr. R. L. Herlekar for respondent No.1 to show cause.
Mr. L. T. Satalkar A.G.P., for Respondent/State.

CORAM: V.C. DAGA J.
DATED: 30.01.2006.

P.C.:-

. Heard the learned counsel for the petitioners.

. While granting rule, this Court has already refused to grant interim relief on 16.8.2004. Thereafter, petitioner has moved a petition for review which was placed before Justice Khandeparkar. He was pleased to refuse interim relief which was passed on 16.8.2004. However, permitted to the petitioner to move for modification of the

order subject to change of circumstance is established, if any, from the date on which said order was passed refusing to grant interim relief.

. During the pendency of this application, earlier Bench issued notice to the respondent vide order dated 1st December, 2005 and by order dated 15/12/2005 directed petitioner to deposit Rs.3 lacs in this Court within three weeks.

. On the statement made by the parties, parties were directed to maintain statusquo pending notice. That is how notice placed before me for final hearing and disposal.

. Having heard learned counsel for the petitioners, it is not possible to accept argument of Mr. Godbole that subsequent deposit of the amount of Rs. 3,00,000/- is a change in circumstance. This can hardly be said to be a change in circumstance. At the most, it can be said tobe a consequence of the order of the School Tribunal and subsequent refusal to stay the said order by this Court vide order dated 16.8.2004.

. Parties to the petition vows, made statement, that respondent no.1 has already been relieved by virtue of the

earlier order. Rupees three lacs have already been deposited in this Court which respondent no.1 shall be entitled to withdraw. So far as the balance amount is concerned, it would be open to respondent no.1 to execute order of School Tribunal.

. Notice of Motion accordingly stands rejected.

. No order as to costs.

. At this stage, learned counsel for the petitioners pray that this order be stayed for the period of four weeks.

. Prayer is opposed.

. I do not find any reason to stay the order.

. In this view of the matter, prayer is rejected.

V.C.DAGA.J.